

UNITED STATES COURT OF APPEALS

**Filed 2/8/96**

TENTH CIRCUIT

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ROBERT L. CARROLL,

Plaintiff - Appellant,

v.

PAUL WESTERKAMP, #74065;  
MCGOVERN, #88034; DENVER  
POLICE DEPARTMENT; CITY AND  
COUNTY OF DENVER,

Defendants - Appellees.

No. 95-1343

(D.C. No. 95-CB-669)

(District of Colorado)

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ORDER AND JUDGMENT\*

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Before PORFILIO, McKAY and KELLY, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. 34.1.9. The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After a careful review of the briefs and record in this case, we AFFIRM for the reasons given by the district court. The mandate shall issue forthwith.

Entered for the Court

Monroe G. McKay  
Circuit Judge